

NORFOLK, VIRGINIA

ACTION OF THE COUNCIL

TUESDAY, OCTOBER 27, 2015 – 7:00 P.M.

Prayer offered by Vice Mayor Angelia Williams Graves, followed by the Pledge of Allegiance.

The following members were present: Mrs. Graves, Mrs. Johnson, Mr. Protogyrou, Mr. Riddick, Mr. Smigiel, Dr. Whibley, Mr. Winn and Mr. Fraim.

President Fraim moved to dispense with the reading of the minutes of the previous meeting.

Motion adopted.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

CERTIFICATION OF CLOSED MEETING

A Resolution entitled, "A Resolution certifying a closed meeting of the Council of the City of Norfolk in accordance with the provisions of the Virginia Freedom of Information Act," was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective October 27, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

CEREMONIAL MATTER

President Fraim presented Marcus Johnson, President and committee members of the Lindenwood/Cottage Heights/Barraud Park Civic League a Certificate of Appreciation for winning 1st place at the Virginia Statewide Neighborhood Conference for Youth Group Effort of the Year.

PUBLIC HEARINGS

PH-1

Matter of a public hearing scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **West Norfolk Marketplace, LLC**, for **a)** an amendment to the future land use designation in the General Plan, *plaNorfolk2030*, from Multifamily Corridor to Commercial at **1209 West 26th Street**, **b)** an amendment to the future land use designation in the **General Plan**, *plaNorfolk2030*, from Industrial to Commercial at **2330 Bowdens Ferry Road** and **c)** for a change of zoning from I-1 (Limited Industrial) District, I-3 (General Industrial) District, and C-2 (Corridor Commercial) District to Conditional C-2 (Corridor Commercial) District on property located at **2315, 2401, 2419, 2501, 2517 2601, 2605, and 2613 Hampton Boulevard, 1250 West 24th Street, 1215, 1217, 1221, and 1225 West 25th Street, 1204, 1207 and 1209 West 26th Street, and 2330 Bowdens Ferry Road.**

(Delayed at the meeting of September 15, 2015)

ACTION: Referred back to the Planning Commission.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-2

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on approving a Lease Agreement with Garden of Hope, Inc., as **Lessee**, for the property known as **Harbor House at 1609-1617 Lovitt Avenue**, in the City of Norfolk.

Alfonzo Albert, 1017 Godfrey Avenue, was present to answer questions.

Thereupon, An Ordinance entitled, “An Ordinance approving a Lease Agreement with Garden of Hope, Inc., as **Lessee**, for the property known as **Harbor House at 1609-1617 Lovitt Avenue**, in the City of Norfolk,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective November 27, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-3

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on approving a **Lease Agreement** with **Garden of Hope, Inc.**, as **Lessee**, for the second floor of the property known as **Stanhope House at 2709-2721 Stanhope Avenue** in the City of Norfolk.

Alfonzo Albert, 1017 Godfrey Avenue, was present to answer questions.

Thereupon, An Ordinance entitled, “An Ordinance approving a **Lease Agreement** with **Garden of Hope, Inc.**, as **Lessee**, for the second floor of the property known as **Stanhope House at 2709-2721 Stanhope Avenue** in the City of Norfolk,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective November 27, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-4

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on authorizing the vacation and release by the City of Norfolk to **Watermark Apartments, LP**, a certain portion of a **2007 Drainage Easement** located on the west side of **Newport Avenue**.

Thereupon, An Ordinance entitled, “An Ordinance authorizing the vacation and release by the City of Norfolk to **Watermark Apartments, LP**, a certain portion of a **2007 Drainage Easement** located on the west side of **Newport Avenue**; and authorizing the City Manager to execute and deliver a Deed of Release on behalf of the City and to do all of the things necessary and proper to effect the vacation and release of said portion of the Drainage Easement,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective November 27, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-5

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of the **City Planning Commission** to amend **Section 2-3, “Definitions” and Chapter 16, “Signs,”** (including all references to altered section numbers to maintain consistency) of the **Zoning Ordinance of the City of Norfolk**, to ensure continued compliance with constitutional requirements for sign regulations.

Thereupon, An Ordinance entitled, “An Ordinance to amend **Section 2-3, “Definitions” and Chapter 16, “Signs,”** (including all references to altered section numbers to maintain consistency) of the **Zoning Ordinance of the City of Norfolk, 1992**, SO AS TO ensure continued compliance with constitutional requirements for sign regulations,” was introduced in writing and read by its title.

Ellis James, 2021 Kenlake Place, spoke in regards to signs.

ACTION: The Ordinance as introduced was **adopted**, effective October 27, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-6

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of the **City of Norfolk**, for a change of zoning from **OSP (Open Space Preservation) District to Conditional C-2 (Corridor Commercial) District** on a 2.25 acre, more or less, parcel of land lying 830.53 feet, more or less, north of **Northampton Boulevard** and 70 feet, more or less, west of the eastern corporate boundary of the City of Norfolk.

Thereupon, An Ordinance entitled, “An Ordinance to rezone property located on the North side of Northampton Boulevard and South of Lake Wright from OSP (Open Space Preservation) District to Conditional C-2 (Corridor Commercial) District,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 27, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-7

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on approving a **Lease Agreement** with **Hatch Operations, LLC**, as **Lessee**, for a portion of the property known as **111 Granby Street**, in the City of Norfolk.

Thereupon, An Ordinance entitled, “An Ordinance approving a **Lease Agreement** with **Hatch Operations, LLC**, as **Lessee**, for a portion of the property known as **111 Granby Street**, in the City of Norfolk,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective November 27, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-8

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Robert Feinman**, for a change of zoning from **R-7** (Single-Family) District to Conditional R-8 (Single-Family) District at **3210-3214 Herbert Street**.

Robert Feinman, 2617 Allsaints Court, the applicant, Virginia Beach and Jackie Rochelle, President of the Greenwood/Elmhurst/Norview Heights Civic League, spoke on behalf of this matter.

Mr. Ted Harmon, was unable to attend but sent correspondence opposing the matter.

ACTION: The Ordinance as introduced was **adopted**, effective October 27, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Winn and Fraim.

No: Whibley.

REGULAR AGENDA

R-1

Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting **Robert C. Moss and Carter M. Moss** to encroach into the right-of-way at **723 Yarmouth Street** with stringers, landing and footings for new entry stairs,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 27, 2015.

Yes: Grave, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-2

Letter from the City Manager and an Ordinance entitled, “An Ordinance to repeal one **Subsection of Section 25-646**, and to amend and reordain **Section 25-654** of the **Norfolk City Code, 1979, SO AS TO** add two new stop intersections,” was introduced in writing and read by its title.

Mike Walls, 1048 Jamestown Crescent, spoke in support of this matter and thanked Dr. Whibley for her assistance.

ACTION: The Ordinance as introduced was **adopted**, effective October 27, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-3

Letter from the City Manager and an Ordinance entitled, “An Ordinance to amend and reordain **Section 22-7 and Subsection (C) of Section 22-31** relating to hotel guest registries **SO AS TO** provide for obtaining an administrative search warrant to inspect the guest register if consent to inspect is denied,” was introduced in writing and read by its title.

ACTION: Continued to December 8, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-4

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting a **\$176,543.00 Grant Award** from the **U.S. Department of Justice Assistance Grant Program** for the **FY2015 Edward Byrne Memorial Justice Assistance Grant Program** and appropriating and authorizing the expenditure of the funds for various expenses and projects of the program,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 27, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-5

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting a **\$245,051.00 Grant Award** from the **U.S. Department of Homeland Security, Federal Emergency Management Agency**, appropriating and authorizing the expenditure of the funds for the **FY2015 Port Security Grant Program** and authorizing the expenditure of a local cash match of \$81,683.00 for the purchase of equipment and to pay for training to enhance port security,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 27, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-6

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting a **41,770.00 Grant Award** from the **Department of Motor Vehicles** for police officers’ overtime pay to assist with a selective enforcement-alcohol initiative, to pay a DUI conference fee and for equipment purchases and accepting a \$24,650.00 Grant Award for police officers’ overtime pay to assist with a selective enforcement-speed initiative, appropriating and authorizing the expenditure of the grant funds and authorizing the expenditure of local matching funds in the amounts of \$20,885.00 and \$12,325.00 by the **Norfolk Police Department** for the grant purposes,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 27, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-7

Letter from the City Manager and an Ordinance entitled, “An Ordinance to amend and reordain **Chapter 33.1** of the **Norfolk City Code, 1979**, as amended, to add new **Section 33.1-119** regarding procurement of insurance,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 27, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-8

Letter from the City Attorney and an Ordinance entitled, “An Ordinance directing the **City Treasurer** to issue a refund to **Crab Addison, Inc.**, \$2,892.58 plus interest based upon the overpayment of **Business License Tax for the Year 2015**,” was introduced in writing and read by its title

ACTION: The Ordinance as introduced was **adopted**, effective October 27, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-9

Letter from the City Manager and a Resolution entitled, “A Resolution supporting **Three Transportation Projects: 1) Elizabeth River Trail, Fort Norfolk, 2) Complete Streets Initiative, Tidewater Driver Corridor, and 3) Granby Street Bike Lanes**; and requesting funding of up to \$1,640,000 for projects through the **Fiscal Year 2017 Virginia Department of Transportation, Transportation Alternatives Program**,” was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective October 27, 2015.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

NEW BUSINESS

1. Heather Sipe, 1324 Noble Street, expressed concerns about the Norfolk Youth Athletic League football program, stating that the referees are rude, make bad calls and use profanity. She asked that something be done so that the children can feel safe while participating in sporting events and submitted additional letters and a petition related to the matter.
2. Representatives of a group called Norfolk Citizens for Accountable Policing asked the council to implement policies for the police department similar to those established by the United States Department of Justice to avoid incidents such as took place in Ferguson, Missouri and Baltimore, Maryland.

Addressing the Council on the matter were.

Connie Hannah, 7467 Hampton Boulevard, Al Markowitz, 606 Shirley Avenue, Donna Ferraro, 5810 Upper Brandon Place, David Ferraro, 5810 Upper Brandon Place, and Angelo Mesisco, 211 West Freemason Street.

Ms. Hannah presented a petition related to these concerns.

3. Robert Brown, 304 Meadowcreek Drive, Chesapeake, presented a proposal to Council for an arena in the St. Paul's Quadrant.
4. Mary Frankie, 703 Graydon Avenue, spoke regarding attending a Council meeting in 1980 and seeing the confederate flag displayed.
5. Joe Cook, 1147 Surry Crescent, called on the City Council to implement the reforms in the police department as set forth in the petition presented earlier. He stressed the importance of taking these steps to avoid the social unrest and destruction of property that have occurred in cities like Ferguson and Baltimore. He stated that similar conditions have existed in Norfolk for a number of years and that the police department has operated with a lack of civilian review, independent oversight, accountability and transparency.
6. Edward Cuffee, 615 Goff Street, spoke about an incident that happened with his 8 year old son who plays football for the Norfolk Recreation League. He stated that the coach from the opposing team came across the field and put his hands on his son.
7. Benjamin Cobb, 1290 Wellington Court, President of the Athletic Advisory Board, stated that he was aware of the incident that occurred with Mr. Cuffee's son and that the coach has been suspended. He also stated that the Advisory Board is working hard to promote unity in all sports.